

12 DEPARTMENT OF LABOR

172 MAINE UNEMPLOYMENT INSURANCE COMMISSION

Chapter 16: BENEFIT PAYMENTS TO ~~ILLEGAL~~ ALIENS

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1. Nondiscrimination.

- A. Any individual who requests a determination of insured status will be required to certify whether or not he or she is a citizen of the United States. The claims taker may not question the individual concerning his or her citizenship status if such questioning is based on race, color, ancestry or national origin.

2. Documentation.

- A. In order to meet the requirements of subsection 11 of section 1192 of the Employment Security Law, an alien must present the claims taker with copies of the following documentation which is issued by the United States ~~Immigration and Naturalization Services (INS)~~ Department of Homeland Security (DHS) or any agency therein:

1. Alien Registration Receipt Card (~~Form I-551~~), and
2. Arrival-Departure Record (~~Form I-94~~), or
3. Other documents as approved by DHS.

The agency shall contact ~~INS~~ DHS to verify these documents.

- B. If an alien presents documents other than those listed in (A) above, or states that he or she is authorized to work after the beginning of the base period but has no documentation with him or her, the agency shall contact the United States ~~INS~~ DHS for verification.
- C. If an alien does not have any documentation issued by the United States ~~INS~~ DHS which would verify his or her alien status during his or her base period, no determination of monetary eligibility will be made until the alien has had a reasonable opportunity to obtain such documentation. The agency will assist the alien in the process of obtaining such documentation. If, after a reasonable time, the alien is not able to provide documentation which would verify that he or she meets the requirements of subsection 11 of section 1192 of the Employment Security Law, a determination of monetary ineligibility will be made.

3. Preponderance of Evidence.

- A. For purposes of subsection 11 of section 1192 of the Employment Security Law, the term "preponderance of evidence" shall mean evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

4. Availability for work.

- A. An alien who does not meet the documentation criteria which are contained in subsection (2) above shall not be considered to meet the availability for work requirements of subsection 3 of section 1192 of the Employment Security Law.
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STATUTORY AUTHORITY:- 26 M.R.S.A., Section 1082, Subsection 2

EFFECTIVE DATE:

October 2, 1989

AMENDED:

May 30, 2000